

CHAPTER 158
FOSTER HOME INSURANCE FUND

PREAMBLE

These rules implement the provisions of the foster home insurance fund. These rules define eligible claims, the payment limits for claims, the procedure for filing claims, and the time frames for filing claims.

441—158.1(237) Payments from the foster home insurance fund.

158.1(1) *Eligible foster family claims.* The foster home insurance fund shall pay the following within the limits defined in Iowa Code section 237.13, subsections 3 and 4:

- a.* Valid and approved claims of family foster care children, their parents, guardians or guardians ad litem.
- b.* Compensation to licensed foster families for property damage, at replacement cost, or for bodily injury, as a result of the activities of the family foster care child.
- c.* Reasonable and necessary legal fees incurred by licensed foster families in defense of civil claims filed pursuant to Iowa Code section 237.13, subsection 7, paragraph “d,” and any judgments awarded as a result of these claims. The reasonableness and necessity of legal fees shall be determined by the department or its contract agent.

158.1(2) *Eligible guardian and conservator claims.* The foster home insurance fund shall pay the reasonable and necessary legal costs incurred by a guardian or conservator in defending against a suit filed by an eligible ward or the ward’s representative and the damages awarded as a result of the suit within the limits defined in Iowa Code section 237.13, subsection 5. The reasonableness and necessity of legal fees shall be determined by the department or its contract agent. To be eligible a ward must meet the following conditions:

- a.* The ward’s income at the time covered by the suit determined in accordance with 441—subrule 130.3(3) must not exceed \$920.
- b.* The ward’s resources shall be treated in accordance with Supplemental Security Income policies except that one residence which shall be the homestead if exempt under SSI and one vehicle shall be excluded. Resources shall not exceed \$2,000.

441—158.2(237) Payment limits. The fund is not liable for the first \$100 for all claims arising out of one or more occurrences during a fiscal year related to a single foster home. The fund is not liable for claims in excess of \$300,000 for all claims based on one or more occurrences during a fiscal year related to a single home.

441—158.3(237) Claim procedures. Claims against the fund shall be filed with the department’s contractor. If the department does not have a contractor, claims shall be filed on Form 470-2470, Foster Home Insurance Fund Claim. The decision to approve or deny the claim shall be made by the department or its contractor and the notice mailed or given to the claimant within 180 days of the date the claim is received.

441—158.4(237) Time frames for filing claims.

1. Claims by children who were under the age of 18 at the time of the occurrence shall be submitted within two years of the date of the occurrence, or after the child's eighteenth birthday, but before the child's nineteenth birthday.
2. Claims by persons who were aged 18 or older at the time of the occurrence, parents, foster parents, guardians, or guardians ad litem shall be submitted within two years of the occurrence.
3. Claims by foster parents and by guardians or conservators pursuant to subrules 158.1(1) "c" and 158.1(2) for legal fees or court-ordered judgments shall be submitted within two years of the date of the judgment.

441—158.5(237) Appeals. Claimants dissatisfied with the decision may request a fair hearing under the provisions of 441—Chapter 7.

These rules are intended to implement Iowa Code section 237.13.

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